

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Hadari Stallworth,

Case No. 2:22-cv-00359-RFB-BNW

Plaintiff,

ORDER

v.

Brian Williams, *et al.*,

Defendants.

I. DISCUSSION

On February 25, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1-1. Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$402 filing fee for this action on or before **May 2, 2022**. Absent unusual circumstances, the Court will not grant any further extensions of time.

If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with

1 all three required documents or pay the full \$402 filing fee on or before **May 2, 2022**, this case
2 will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when
3 Plaintiff is either able to acquire all three of the documents needed to file a fully complete
4 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

5 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
6 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
7 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
8 application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
9 **May 2, 2022** to proceed with this case.

10 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will
11 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
12 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

13 **II. CONCLUSION**

14 For the foregoing reasons, **IT IS ORDERED** that the Clerk of the Court will send Plaintiff
15 the approved form application to proceed *in forma pauperis* by an inmate as well as the document
16 titled information and instructions for filing an *in forma pauperis* application.

17 **IT IS FURTHER ORDERED** that on or before **May 2, 2022**, Plaintiff will either pay the
18 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative
19 fee) or file with the Court:

20 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
21 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
22 3),

23 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
24 (i.e., page 4 of this Court's approved form), and

25 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
26 **six-month period**.

27 **IT IS FURTHER ORDERED** that, if Plaintiff does not file a fully complete application
28 to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil

1 action on or before **May 2, 2022**, this case will be subject to dismissal without prejudice for
2 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three
3 documents needed to file a complete application to proceed *in forma pauperis* or pays the full \$402
4 filing fee.

5 **IT IS FURTHER ORDERED** that the Clerk of the Court will retain the complaint (ECF
6 No.1-1) but will not file it at this time.

7
8 DATED: March 1, 2022.

9
10 
11 BRENDA WEKSLER
12 UNITED STATES MAGISTRATE JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28